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S/24997
21 December 1992

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GENERAL ASSEMBLY
Forty-seventh session
Agenda items 30, 35, 73 and 74
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST
REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Forty-seventh year

Letter dated 21 December 1992 from the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General

I am instructed by the Executive Committee of the Palestine Liberation Organization, which retains the powers and responsibilities of the Provisional Government of Palestine, to bring the following to your immediate attention.

In reference to Security Council resolution 799 (1992), unanimously adopted on 18 December 1992, and to follow up my letters dated 17 and 18 December 1992 (A/47/805-S/24983) regarding the Palestinian civilians deported by Israel, the occupying Power, on 17 December 1992, I should like to bring to your attention the status and the extremely harsh living conditions of the deportees in their present location. Such a situation, in our opinion, necessitates an even more rapid implementation of resolution 799 (1992), especially the request made by the Council to you, with the aim of ensuring the safe and immediate return of the deportees to their homes in the occupied Palestinian territory, and the return of all other deported Palestinians, as well as the implementation of all other parts of the resolution.

I must also draw your attention to the criminal acts, especially the practice of indiscriminate shooting, committed by the Israeli army against

Palestinian civilians in the Gaza Strip on 19 December 1992, which resulted in the death of seven Palestinians, including a girl nine years of age. Today, another child was shot and killed as well. Further, the Palestinian people living in the occupied territory remain under severe kinds of collective punishment imposed by the Israeli authorities, such as the imposition of an around-the-clock curfew in the Gaza Strip since 13 December 1992.

We alert the international community to such a dangerous situation, which may even deteriorate further as a result of Israeli policies and practices, and we believe that the international community, particularly the United Nations, should shoulder their responsibilities in an effective and speedy manner to put an end to such tragedy.

I should be grateful if you would arrange to have the text of the present letter distributed as an official document of the General Assembly, under agenda items 30, 35, 73 and 74, and of the Security Council.

(Signed) Dr. Nasser AL-KIDWA
Permanent Observer of
Palestine to the United Nations

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21 December 1992
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NOTE VERBALE DATED 18 DECEMBER 1992 FROM THE PERMANENT MISSION OF TUNISIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Tunisia to the United Nations presents its compliments to the Secretary-General and, with reference to his note dated 26 October 1992, has the honour to inform him of the following:

Iraqi assets in Tunisia total $26 million, of which $15.8 million come from oil transactions. These funds have already been used in partial settlement of Iraq's debts to Tunisia, which amount to more than $75 million.

In addition, an amount of $9,646,029.73, representing payments on Iraqi loans owed for 1975 and 1976, has been used in partial settlement of Iraqi debts to Tunisia.

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LETTER DATED 19 DECEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF MOROCCO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

We have learnt with astonishment the allegations of the other party concerning the circumstances relating to the meeting scheduled for 30 November and 1 December 1992 between the chieftains of the Saharan tribes, at the invitation of the Special Representative of the Secretary-General for Western Sahara.

1. In order to avoid any polemics in this matter and to emphasize the attitude of each of the parties regarding this meeting and the United Nations settlement process in general, I shall confine myself to the following points:

(a) The delegation of the other party has clearly refused to accept the practical arrangements the United Nations graciously suggested to the two parties, thereby displaying the negative attitude in which it presented itself to take part in this meeting.

(b) Likewise, its refusal to reply to the Special Representative's invitation to attend an initial informal contact meeting on the eve of the official meeting says a great deal about its intentions and its determination to obstruct progress. This is all the more true when one remembers that the contact meeting was part of the programme drawn up in advance by the Special Representative's office and accepted by the parties.

(c) As to the allegation whereby the delegation of tribal chieftains coming from Morocco included members who were not on the list of tribal chieftains provided by the Secretary-General in 1990, allow me to point out that the few members contested by the other party are tribal chieftains duly coopted to replace persons who have died or who, being elderly, had been unable to make the journey. It should be also emphasized that the coopting was done in accordance with the rules of Saharan tradition, rules which the other party itself defended in the course of the discussions which the Special Representative conducted last summer with both parties. In any event, it was for the Special Representative and for the Special Representative alone to determine whether the delegations sent by the two parties met the United Nations criteria.

2. To further clarify my country's position and to refute the allegations of the other party, it is worth rereading attentively the statement of 2 December 1992 by the Secretary-General's spokesman (SG/1974) on this subject.

(a) The first point to be noted is that the objective of this meeting was to enable the tribal chieftains to advise the Special Representative on questions relating to ways of identifying persons qualified to participate in the referendum. In other words, the advisory opinion requested of the tribal chieftains was above all an expert opinion on practical and specific questions which, despite the inevitable implications, did not appear to indicate a polemical politicization of the meeting. This is why it was inappropriate for either party to challenge the representativeness of the other delegation and thus exercise a right of veto in relation to the meeting and indirectly in relation to the process under way. This, moreover, is why the Moroccan delegation did not raise the problem of the five new tribal chieftains in the delegation sent by the other party.

(b) One further notes from the statement that the Special Representative of the Secretary-General received the delegation of notables designated by Morocco, and it gave him a document designed to apprise him of their point of view. The delegation appointed by Frente POLISARIO did not request a similar meeting. This clearly demonstrates the determination of the Kingdom of Morocco to cooperate with the United Nations with a view to accelerating the process and the obvious desire of the other party to obstruct progress and its refusal to pursue any implementation of the United Nations settlement plan.

Before concluding, I should like to refer to the letter from the Chargé d'affaires a.i. of the Permanent Mission of Algeria to the United Nations (S/24966), of 14 December 1992, addressed to the Secretary-General and concerning the aforementioned meeting of tribal chieftains, in order to mention that this fraternal country was not invited to "observe" the Geneva meeting. Accordingly, in the absence of objective information, it was unable to make relevant comments on the circumstances of this meeting without the risk of loss of impartiality.

My country does, however, note with satisfaction that in the aforementioned letter Algeria considers it desirable "for every effort to be made to bring [the two parties] to honour the commitments they have made to allow the Special Representative, under the authority of the Secretary-General of the United Nations, to implement the settlement plan in its entirety as originally conceived by the United Nations and accepted by both parties" and that it undertakes to "continue to support ... the efforts of the Secretary-General of the United Nations and his Special Representative to find a ... settlement".

I should be grateful if you would have the content of this letter brought to the attention of the Security Council and issued as an official document of the Security Council.

(Signed) Ahmed SNOUSSI
Ambassador
Permanent Representative

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21 December 1992

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FURTHER REPORT OF THE SECRETARY-GENERAL PURSUANT TO SECURITY COUNCIL RESOLUTION 787 (1992)

INTRODUCTION

1. The present report is submitted to the Security Council pursuant to paragraph 16 of resolution 787 (1992) of 16 November 1992 in which the Council considered that, in order to facilitate the implementation of the relevant Security Council resolutions, observers should be deployed on the borders of the Republic of Bosnia and Herzegovina, and requested the Secretary-General to present to the Council as soon as possible his recommendations on this matter.

I. TASKS ARISING FROM THE RELEVANT RESOLUTIONS

2. The question of deploying observers on the borders of Bosnia and Herzegovina is more complex than might at first appear. It has required much work, both in the United Nations Protection Force (UNPROFOR) and at Headquarters in New York, to identify options for the Security Council's consideration. The complexity derives not only from the geographical extent of the borders (some 1,100 kilometres with 123 crossing points to be taken into account, in addition to those between Bosnia and Herzegovina and the United Nations Protected Areas (UNPAs) in Croatia). It also derives from the multiplicity of tasks which could be deemed to arise from the relevant resolutions of the Council. These are as follows:

(a) Resolution 713 (1991) of 25 September 1991 which, inter alia, in paragraph 6, established a general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia;

(b) Resolution 752 (1992) of 15 May 1992 which, inter alia, in paragraph 3, demanded that all forms of interference from outside Bosnia-Herzegovina, including by units of the Yugoslav People's Army (JNA) as well as elements of the Croatian Army, cease immediately, and that Bosnia-Herzegovina's neighbours take swift action to end such interference and respect the territorial integrity of Bosnia-Herzegovina;

(c) Resolution 757 (1992) of 30 May 1992 which imposed comprehensive mandatory economic sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro); and

(d) Resolution 787 (1992) which, inter alia, in paragraph 5, demanded that all forms of interference from outside the Republic of Bosnia and Herzegovina, including infiltration into the country of irregular units and personnel, cease immediately.

3. The tasks arising from resolutions 752 (1992) and 787 (1992) are reasonably clear. They would require border observers to concern themselves with all movements of regular or irregular military personnel, weapons and other military equipment and supplies from neighbouring countries into Bosnia and Herzegovina. The context of both these resolutions indicates that the Council was concerned with all forms of interference directed against the Government of Bosnia and Herzegovina. It could therefore be argued that United Nations border observers should not concern themselves with regular or irregular military personnel, weapons and other military equipment and supplies destined for the forces of the Government of Bosnia and Herzegovina. The Council would wish to clarify this point if it decided to deploy border observers. Their task would be somewhat complicated if they were required to distinguish between military persons and goods whose passage was permitted and those whose passage was not.

4. In addressing the question posed in the preceding paragraph, the Council would also wish to consider the implications of resolution 713 (1991) which imposed a complete embargo on all deliveries of weapons and military equipment to what was then Yugoslavia. The question would be whether deliveries of weapons and military equipment from one former Yugoslav republic to another should be considered violations of resolution 713 (1991). If such deliveries were considered to be violations, the border observers would have to report (and possibly prevent) all movements of weapons and military equipment out of Bosnia and Herzegovina, as well as into that Republic. However, the Council has repeatedly called for the withdrawal of foreign troops and weapons from Bosnia and Herzegovina; any resulting violation of resolution 713 (1991) could therefore be considered merely technical.

5. It would further be necessary for the Security Council to decide whether the border observers' mandate should include the task of monitoring respect for the comprehensive mandatory economic sanctions imposed by resolution 757 (1992) on the Federal Republic of Yugoslavia (Serbia and Montenegro). In my report of 27 July 1992 (S/24353) it was assumed that this task would be undertaken by the border control posts which I recommended the Council to authorize UNPROFOR to establish on the boundaries of the UNPAs, where these coincided with Croatia's borders with the Federal Republic of Yugoslavia (Serbia and Montenegro). This assumption was implicitly approved by paragraph 2 of resolution 769 (1992) of 7 August 1992. It is accordingly assumed that the mandate of border observers established on Bosnia and Herzegovina's borders with the Federal Republic of Yugoslavia (Serbia and Montenegro) would also include resolution 757 (1992) and that they would

therefore have to concern themselves with all goods crossing those borders in either direction. Almost all supplies imported by the UNPAs and by the Serb-controlled parts of Bosnia and Herzegovina are believed to come from the Federal Republic of Yugoslavia (Serbia and Montenegro) and in many cases, therefore, are violations of the ban on exports from that republic. Implementation of this part of the border observers' mandate could thus prove to be controversial.

6. As regards the number of crossing points to be monitored, the Security Council resolutions discussed above clearly require that the borders of Bosnia and Herzegovina with the Federal Republic of Yugoslavia (Serbia and Montenegro) as well as those with Croatia should be monitored. The Security Council has already, in resolution 769 (1992), authorized arrangements for UNPROFOR to control Bosnia and Herzegovina's borders with the UNPAs, though, as described in my report of 24 November 1992 (S/24848, para. 21), lack of cooperation from the local authorities in the UNPAs has so far made it impossible to put those arrangements into effect. On the basis of map studies, UNPROFOR has identified 123 additional crossing points on the rest of Bosnia and Herzegovina's borders which could be used for moving military personnel, weapons and other sanctioned goods across the border and would therefore, need to be monitored. Of these crossing points, 48 are located on the border with the Federal Republic of Yugoslavia (Serbia and Montenegro) and 75 on the border with Croatia. They include road and railway crossings, bridges, major and minor roads, and major tracks.

7. Given the nature of the terrain, it would be desirable for observers at the crossing points to be complemented by mobile ground patrols, aerial patrols and an electronic surveillance capability in order to ensure effective monitoring of the ground between the crossing points. Both the observers and the patrols would have to operate on a 24-hour basis, though limited manpower savings could be achieved by closing selected crossing points at night or even completely.

II. POSSIBLE OPERATIONAL CONCEPTS AND THEIR RESOURCE IMPLICATIONS

8. UNPROFOR has examined three operational concepts, as follows:

Option A: to observe and report;
Option B: to observe, search and report;
Option C: to observe, search, deny passage and report.

In all three cases it would be necessary to provide UNPROFOR with additional resources, as the additional mandate could not be implemented by redeploying the Force's existing resources. These are already stretched to the limit to fulfil its present mandates. An additional command, communication and logistics structure would be required to control and supply border personnel who would be deployed at widely dispersed crossing points along borders which, even excluding the UNPAs, extend for close to 1,100 kilometres in

predominantly difficult terrain. It would in particular be necessary to establish two or more sub-Headquarters in Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) which would report through cells in Belgrade and Zagreb to UNPROFOR's Headquarters.

9. The mere observing and reporting of traffic (option A) would do little to ensure respect for the relevant resolutions of the Security Council. The observers would be able to detect only the movement of major weapons systems, military vehicles and formed units of troops in uniform. They would not be in a position to determine the nature of most of the goods transported into and out of Bosnia and Herzegovina. Their presence would be largely symbolic, especially if it was decided that only selected crossing points should be monitored and/or that there should be no patrolling between them.

10. The human and material resources required would depend on the number of crossings selected for observation, the hours covered and the extent of patrolling between the crossing points. If all 123 points were covered on a 24-hour basis, the resources required would be little less than those identified for option B below.

11. In order to monitor traffic effectively, the observers would at least have to be given a mandate to search all vehicles and people crossing the border of Bosnia and Herzegovina in either direction (option B). This would enable the observers to identify violations and to lodge protests with the parties concerned. Their reports would also enable the Security Council to form a picture of the type and extent of violations and to take appropriate action. A disadvantage of this operation, however, would be that military personnel, weapons and other sanctioned goods would still be able to cross Bosnia and Herzegovina's borders. Experience to date in the former Yugoslavia has been that the public identification of violations and of those responsible for them is not enough to ensure respect for the Security Council's decisions.

12. To ensure the capacity to observe and search on a 24-hour basis, UNPROFOR would need 10 United Nations Military Observers (UNMOs) at each border crossing. For the 123 crossings, 1,230 UNMOs would thus be required, plus an additional 50 UNMOs for the above-mentioned sub-Headquarters and cells, amounting to a total of 1,280 UNMOs. An estimated 491 vehicles with mounted VHF and HF radios, 126 VHF base stations and 126 HF base stations would be required. Where existing accommodation was not available, it would be necessary to erect accommodation containers with hook-up for utilities. Likewise, food, water and other supplies would have to be provided for UNMOs deployed in areas where these items could not be purchased locally.

13. The above estimate describes the resources required for a static 24-hour observation and search operation at the 123 crossing points. If it was decided, as suggested in paragraph 7 above, that this should be complemented by electronic surveillance and/or aerial patrols, together with a capacity on the ground to react to reports from these sources in order to intercept attempts to cross the border between the crossing points, considerable additional resources would be required.

14. To be certain of the ability to ensure compliance with Security Council resolutions, it would be necessary to give UNPROFOR a mandate (option C) which would include the right not only to search but also to turn back or confiscate military personnel, weapons or sanctioned goods whose passage into or out of Bosnia and Herzegovina would be contrary to decisions of the Council.

15. For such a mandate, UNPROFOR would need the capacity to search, confiscate and deny passage at each of the 123 crossing points and to patrol for these purposes between them. For these tasks, there would be a need for infantry which would also assure a self-defence and patrolling capability at each crossing point. Again, an electronic and aerial surveillance capability would be desirable. This would imply a force of approximately 10,000 troops, including the necessary logistic, medical and engineering support. Adequate accommodation would have to be provided not only at the 123 crossing points but also at all base areas. It would be necessary to undertake an extensive upgrading and enlargement of UNPROFOR's existing logistic infrastructure.

16. For all of the above options, there could be a need for United Nations Civilian Police (UNCIVPOL) and customs officers in addition to the military personnel. There would also be a need for additional civilian affairs and administrative personnel. The present command structure of UNPROFOR would have to be reviewed in order to be able to ensure that it could cope with such an extensive addition to its mandate.

17. Options B or C, which the Force Commander believes to be the only ones likely to have a useful effect, would thus require the provision of very considerable additional resources to UNPROFOR. The question would arise of whether Member States would be able to provide and finance the elements required for a further expansion on this scale. It is significant that of the 75 UNMOs whom Member States were asked on 30 October 1992 to make available to monitor the "no-fly zone" in Bosnia and Herzegovina, only 33 had been forthcoming by 10 December 1992. Difficulties in obtaining the troops and logistic support required could lead to considerable delays in deployment. Even on optimistic assumptions about the availability of troops, it is unlikely that UNPROFOR would have an effective capability to observe Bosnia and Herzegovina's borders before April 1993, at the earliest.

III. COOPERATION OF THE PARTIES

18. The Government of Bosnia and Herzegovina has repeatedly expressed itself in favour of effective monitoring of its borders. The concept has also been agreed in principle, during and since the London stage of the International Conference on the Former Yugoslavia by the Governments of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro). For a variety of political and practical reasons the Force Commander believes that it would be best for the United Nations observers to carry out their functions on the territory of the neighbouring State concerned, that is on the Croatian or Serbian/Montenegrin side of the border. The full cooperation of those States' authorities would be required, especially when non-authorized vehicles or persons were turned back by the observers.

IV. OBSERVATIONS

19. As will be apparent from the above, the Force Commander is convinced that the implementation of border controls in order to ensure compliance with the relevant resolutions of the Security Council would require a significant addition to the strength and material resources of UNPROFOR. A symbolic presence at selected crossing points would, in his view, not only fail to fulfil the Council's requirements but would also undermine the already strained credibility of UNPROFOR, which would appear to the parties and the media to be making only a token attempt at implementing its mandate. I share the Force Commander's view.

20. General Nambiar further takes the view that if this function is to be performed effectively, UNPROFOR will need the mandate and the means to patrol between the border crossing points, to search vehicles and people and to deny any movement of people or goods into or out of Bosnia and Herzegovina which would violate decisions of the Security Council. He thus favours option C. On this point too I share the Force Commander's view. If therefore the Security Council should decide that observers be deployed on the borders of Bosnia and Herzegovina, my recommendation would be that the Council should authorize an enlargement of UNPROFOR's mandate and strength on the lines described in paragraphs 14 to 16 of the present report.

21. A preliminary estimate of the costs of option C will be circulated as soon as possible as an addendum to the present report.

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NOTE VERBALE DATED 21 DECEMBER 1992 FROM THE PERMANENT MISSION OF ROMANIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Romania to the United Nations presents its compliments to the Secretary-General and has the honour, with reference to his note of 26 October 1992, to provide him with the following information.

The relevant Romanian authorities, after proper investigation, have determined that they are not holding any Iraqi funds that represent the proceeds of sale of the Iraqi petroleum or petroleum products subject to the provisions of Security Council resolution 778 (1992). The delivery of Iraqi petroleum before 6 August 1990 was part of the settlement of Iraq's financial debt to Romania.

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NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

Following consultations with the members of the Security Council, the President of the Council made the following statement, on behalf of the Council, at its 3152nd meeting, held on 22 December 1992, in connection with the Council's consideration of the item entitled "Letter dated 18 December 1992 from the Secretary-General addressed to the President of the Security Council":

"The Security Council has taken note of the letter dated 18 December 1992 from the Secretary-General addressed to the President of the Council (S/24996) concerning the situation in Angola. It expresses serious concern at the lack of progress in implementing the 'Acordos de Paz para Angola' and at the continuation of the dangerous political and security situation in the country.

"The Security Council reiterates its strong appeal to the two parties to engage in a continuous and meaningful dialogue aimed at national reconciliation and at the participation of all parties in the democratic process, and to agree on a clear timetable and programme of action to complete the implementation of the 'Acordos de Paz'. The Security Council urges that the military forces of the Uniao Nacional para a Independencia Total de Angola (UNITA) be immediately withdrawn from Uige and Negage and that the Government administration be fully restored there and that the two parties resume the direct talks started in Namibe on 26 November 1992. It again urges both parties to demonstrate their commitment to the 'Acordos de Paz', in particular with regard to confinement of their troops and collection of their weapons, demobilization, formation of the national armed forces and restoration of the central administration throughout the country.

"The Security Council also considers it essential that both parties agree without delay on security and other arrangements which would allow all ministers and other high-ranking officials to occupy the posts which have been offered by the Government and for all deputies to assume their functions in the National Assembly.

"The Security Council also considers it imperative that both parties agree on a realistic plan of action for full implementation of the 'Acordos de Paz', and to facilitate a continuing United Nations presence in Angola. It underlines the need for the two sides to produce early evidence of their willingness and ability to work together to implement the 'Acordos de Paz', so that the international community would feel encouraged to continue to commit its scarce resources to the continuation of the United Nations operation in Angola on its present scale.

"The Security Council fully supports the action of the Secretary-General aimed at resolving the present crisis and appeals to President dos Santos and Dr. Savimbi to accept the Secretary-General's invitation to attend, under his auspices, a joint meeting at an agreed location, to confirm that real progress has been made in the reactivation of the Bicesse Accords with a view to their full implementation and that agreement has been reached on a continuing United Nations presence in Angola."

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NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

Following consultations with the members of the Security Council, the President of the Council made the following statement, on behalf of the Council, at its 3153rd meeting, held on 22 December 1992, in connection with the Council's consideration of the item entitled "The situation in Cambodia":

"The Security Council strongly condemns the illegal detention of UNTAC personnel by elements of the Party of Democratic Kampuchea and acts of threat and intimidation against these personnel. It demands that such actions and any other hostile acts against UNTAC cease immediately, and that all parties take all action necessary to safeguard the lives and the security of UNTAC personnel throughout Cambodia.

"The Council urges all the parties to abide scrupulously by their obligations under the Paris Agreement to cooperate fully with UNTAC and to respect all the relevant resolutions of the Security Council."

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REPORT OF THE SECRETARY-GENERAL ON THE QUESTION OF SOUTH AFRICA

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INTRODUCTION

1. The Security Council considered the question of South Africa at its 3107th meeting on 17 August 1992, having before it the report of the Secretary-General (S/24389). At the same meeting, the Security Council adopted resolution 772 (1992).

2. The resolution, inter alia, authorized the Secretary-General to deploy United Nations observers in South Africa, called upon the Government of South Africa, parties and organizations to extend their full cooperation to the observers and invited international organizations to also consider deploying observers in South Africa. In resolution 772 (1992), the Council also decided to remain seized of the matter until a democratic, non-racial and united South Africa is established.

3. The present report is submitted pursuant to paragraph 6 of Security Council resolution 772 (1992).

4. Following the adoption of the resolution, the President of the Security Council made the following statement (S/24456) on behalf of the Council:

> "It is the understanding of the members of the Council that the Secretary-General will consult the Council on the number of observers he has the intention to deploy from time to time".

5. On 10 September 1992, I informed members of the Security Council of my decision to dispatch an advance party of 13 United Nations observers to South Africa on 11 September 1992 as part of the complement of 50 observers to be deployed in the country within a month.

6. On the same day, following consultations held by the Security Council, the President of the Council read a statement to the press (S/24541), in which he stated, inter alia, that the members of the Security Council deplored the killing of 28 demonstrators and the wounding of nearly 200 others by security elements at Bisho, Ciskei, in South Africa on 7 September 1992. The members reiterated their grave concern at the continued escalation of the violence in South Africa. They emphasized once again the responsibility of the South African authorities for the maintenance of law and order and called on them to take all measures to end the violence and to protect the right of all South Africans to engage in peaceful political activity without fear of intimidation or violence. The members of the Council urged all parties in South Africa to cooperate in combating violence and to exercise maximum restraint in order to help break the spiralling cycle of violence.

7. The President of the Security Council also stated that the members of the Council emphasized the need to put an end to the violence and create conditions for negotiations leading to the establishment of a democratic, non-racial and united South Africa. They welcomed the Secretary-General's decision to deploy an advance party of 13 United Nations observers in South Africa.

8. The President further stated that the members of the Security Council called upon the Government of South Africa, parties and organizations, and the structures set up under the National Peace Accord, to extend their full cooperation to the United Nations observers to enable them to carry out their tasks effectively. They reiterated their call to other relevant regional and intergovernmental organizations to consider deploying their own observers in South Africa in coordination with the United Nations and the structures set up under the National Peace Accord in order to facilitate the peace process.

9. In a communication addressed to me, dated 4 September 1992 (S/24526), the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations informed me that the European Community Troika of Foreign Ministers, composed of the Foreign and Commonwealth Secretary of the United Kingdom of Great Britain and Northern Ireland and the Foreign Ministers of Portugal and Denmark, visited South Africa on 2 and 3 September 1992. Mr. Hurd had announced at a press conference in Pretoria on 3 September that the parties had accepted the European Community's offer to send observers to South Africa to be associated with the structures of the National Peace Accord, as part of efforts to end the violence. He indicated that initially, approximately 15 European Community observers were expected to be sent and that they would work in close coordination with the United Nations and with other international organizations.

10. In a communication addressed to me, dated 9 September 1992 (S/24544), the Permanent Representative of South Africa to the United Nations transmitted a memorandum submitted by the South African Government on the events which took place at Bisho, Ciskei, on 7 September 1992.

11. Taking into account ongoing developments in South Africa, and following consultations with the Government of South Africa and the parties after the adoption of resolution 772 (1992), I designated two Special Envoys who carried out separate missions to South Africa. Mr. Virendra Dayal, former United Nations Under-Secretary-General, visited South Africa from 16 to 27 September 1992. Ambassador Tom Vraalsen, Assistant Secretary-General of the Ministry of Foreign Affairs of Norway and former Permanent Representative of Norway to the United Nations, carried out a mission to South Africa from 22 November to 9 December 1992.

12. During the course of their respective visits, the Special Envoys held discussions with State President F. W. de Klerk and senior officials of the Government. They also had meetings with Mr. Nelson Mandela, President of the African National Congress (ANC) and Chief Mangosuthu Buthelezi, President of the Inkatha Freedom Party (IFP), as well as with leaders of other relevant parties in regard to the latest developments. Similar meetings were held with the senior officials of the National Peace Committee and National Peace Secretariat, and the Commission of Enquiry regarding the Prevention of Public Violence and Intimidation (Goldstone Commission). In addition, discussions were held with representatives of non-governmental organizations, as well as with the business, religious, human rights and development communities, along with civic associations. Discussions were also held with the leaders of the

international observer teams that have been deployed in South Africa by the Commonwealth, the European Community and the Organization of African Unity.

I. FINDINGS OF THE SPECIAL ENVOYS OF THE SECRETARY-GENERAL

13. Following these wide-ranging consultations, each of the Special Envoys reported his findings to me. Their findings are reflected below.

Status of negotiations

14. In contrast with the relatively minimal contact between the parties immediately following the stalemate in CODESA II, the current period is marked by a series of high-level contacts between nearly all parties in South Africa, including some of the parties not involved in the earlier CODESA process.

15. All parties appear to agree, in principle, that multi-party negotiations offer the only way forward to resolving South Africa's political problems. However, agreement has yet to be reached on the form a multi-party forum should take and its desired outcome. These issues, along with questions regarding participation, the agenda and timing of such a meeting, are among the topics being addressed in bilateral meetings.

16. In bilateral talks in the first week of December 1992, the Government and ANC appear to have made considerable progress in narrowing differences. The talks took place against the background of the Government's proposed timetable for the transition, and the November 1992 meeting of the ANC's National Executive Committee which considered the establishment of interim governmental structures.

17. Although there are fundamental differences yet to be bridged between these two parties, there appears to be a convergence of positions and a willingness on both sides to negotiate with one another and with others. A continuation of bilateral talks between the Government and ANC is expected shortly. Both parties have strongly emphasized that their positions are to be considered as proposals, and that they are determined not to exclude other parties from the process. They have, nonetheless, also expressed the strong feeling that no party should be permitted to block progress towards a negotiated transition.

18. Attempts are being made to arrange a meeting between the State President, Mr. F. W. de Klerk, and Chief Mangosuthu Buthelezi in order to address the question of the resumption of multi-party talks. A meeting between President de Klerk, Chief Buthelezi and the leaders of Bophuthatswana and Ciskei was held on 10 December 1992 to discuss the resumption of multi-party talks.

19. Following the agreement reached between ANC and IFP at the 24 November 1992 meeting of the National Peace Committee, preparations have

begun for a meeting between Chief Buthelezi and Mr. Nelson Mandela. Both organizations have appointed subcommittees of their senior leadership to prepare for the meeting. It is hoped that the preparations would expedite arrangements for an early meeting of the two leaders.

20. The Government and the Pan Africanist Congress of Azania (PAC) held bilateral discussions in Gaborone in early November 1992, and agreed to meet again in South Africa on 9 December 1992 to discuss the convening of a multi-party forum. Subsequently, the Government has reacted strongly to the position taken by the PAC political leadership with regard to reports that its armed wing, the Azanian Peoples' Liberation Army (APLA), claimed responsibility for recent armed attacks at King William's Town and Queens Town and that APLA planned a campaign of attacks on "soft targets". Following this, arrangements for further meetings with PAC were cancelled.

21. Further political developments include the emergence in October of a loose coalition composed of the Conservative Party and other groups on the right, and the leaders of Bophuthatswana, Ciskei and KwaZulu. This "Concerned South Africans Group" (COSAG) is aimed at galvanizing opposition to what its members perceive as an alliance between ANC and the Government. Other organizations and entities across the entire political spectrum are also pursuing contacts with one another.

22. Bilateral talks between the parties have focused on serious constitutional discussions about regional structures and the devolution of powers, power-sharing provisions, and the constitutional provisions related thereto. The regional structure of a new South Africa, and the relationship of the regions to the central government, remains a major preoccupation with all the parties. Agreement on effective multi-party machinery based on the principle of inclusiveness remains an essential first step for a resumption of multi-party negotiations.

23. At CODESA II there was wide agreement in principle on the reincorporation of the homelands into South Africa, their participation in the transitional arrangements, provisions for testing the will of their people regarding their reincorporation, and the "restoration" of South African citizenship to those who chose reincorporation.

24. The leader of Ciskei has subsequently indicated his outright opposition to reincorporation, and Bophuthatswana continues to reject suggestions of reincorporation. On 1 December, Chief Buthelezi presented a new draft constitution for a "federal state of Natal/KwaZulu" which was ratified that same day by the KwaZulu Legislative Assembly.

National Peace Accord

25. Since the stalemate at CODESA II, the National Peace Committee has been the focal point for efforts to bring the major parties together to facilitate the peace process. A meeting of signatories of the Peace Accord, called for

by the National Peace Committee on 24 November 1992, will provide an opportunity for the parties to review developments and to consider ways of strengthening the peace structures.

26. The National Peace Accord and the structures established under it are among South Africa's most valuable tools for assisting in reducing violence and bringing about a peaceful transition to democracy. A series of contacts between the parties have been made at all levels through the National Peace Committee and the network of Regional and Local Dispute Resolution Committees. These bodies offer open channels of communication essential to building a culture of political tolerance in the country. In this regard, virtually all parties have expressed the view that the presence in South Africa of United Nations Observers has significantly enhanced and reinforced the structures under the National Peace Accord.

27. A matter of particular concern is that some of the homelands are not signatories to the Accord, and some of those which are parties to it have withdrawn from the peace structures. The homelands continue to be major flashpoints of violence, largely due to conflicts arising over the lack of free political expression. They retain on their statute books repressive legislation such as the Internal Security Act, whose provisions have the practical effect of prohibiting public gatherings and other forms of political activity. There is also evidence that the security forces of the homelands are involved in violence. The result of these repressive practices and violence are increased tension and rising numbers of dead, injured and displaced, both inside the homelands themselves and in border areas. The responsibility of the Government of South Africa to redress this situation cannot be overemphasized.

Return of refugees

28. Some 13,000 returnees are receiving protection and assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) in South Africa and another 5,000 refugees have applied to return. UNHCR's mandate in the country has been extended for another year in order to address problems of reintegration and to facilitate the return of exiles. UNHCR has reached agreement with the South African Government for the involvement of the United Nations Children's Fund (UNICEF) in reintegration, focusing on the needs of women and children. A recent United Nations Development Programme (UNDP) mission to South Africa recommended that since rehabilitation programmes are not normally within the mandate of UNHCR, consideration should be given to establishing a modest UNDP presence in South Africa, within UNHCR, to assist with the rehabilitation aspects of resettling returnees.

Areas of concern identified in the previous report of the Secretary-General (S/24389) and Security Council resolution 772 (1992)

Violence

29. Fear of violence and violence itself continue to be features of daily life in South Africa, particularly in the Witwatersrand/Vaal and Natal/KwaZulu regions. These regions account for most of the politically motivated violence in the country, which has been attributed to conflict between supporters of ANC and IFP. This conflict often manifests itself at the local or regional level where parties engage in violence and intimidation to establish and secure claims to a specific geographical area as their political base.

30. Hostility between ANC and IFP supporters in many areas is openly acknowledged, but there is a growing sentiment that it fails to explain a significant proportion of the violence. There is strong evidence of conspiracy in some quarters and the use of agents provocateurs to incite and direct violence calculated to discredit and disrupt the peace process. Here it should be emphasized that grave concern continues to be expressed regarding the existence of covert operations, apparently sanctioned at high levels of Military Intelligence, as recently as December 1992.

31. Socio-economic factors and crime often trigger political violence. "Commercial" violence often becomes politicized, destabilizing entire communities. High unemployment, inadequate housing and the lack of basic services such as water and sanitation pit groups against one another. To this volatile mix must be added the existence in the townships of certain "self-defence units" of dubious legitimacy, and right-wing "commandos" in some mostly rural areas of the country. Another critical element is the apparently growing cross-border traffic in weaponry, particularly from Mozambique. Indications are that the senior political leadership lacks political control over groups that engage in violence.

32. Despite continued violence, there is wide agreement that without the deployment of international observers in the country the level of violence would be higher. The presence of the observers is viewed as having a salutary effect on the situation.

Measures to reduce violence

33. While the primary responsibility of the South African Government for maintaining law and order is not questioned, there is a growing recognition that political leaders across the spectrum also have a responsibility to actively discourage violence on the part of their supporters.

Investigations and prosecutions of criminal activity

34. In South Africa's current political context, there is troubling evidence of serious deficiencies in the law enforcement establishment's ability to promptly investigate violent crimes and prosecute offenders. At worst, these deficiencies translate into public perceptions of security force conspiracy or complicity in such crimes, which has frequently contributed to further violence, often directed at individual policemen. At best, such deficiencies are viewed as proof that the number of competent police personnel is inadequate.

Efforts at police reform

35. There is a pervasive public sense of disbelief at the failure of the South African police (SAP) to maintain law and order and a widely held perception that the Government has failed to make full use of its law enforcement powers to stop violence. However, there appears to be an ongoing effort on its part to improve the image and methods of work of SAP. Organizational change in SAP is to be welcomed and encouraged. International exchange of expertise and training is being sought. Particular emphasis is being placed on community policing with the stated intention of moving away from the concept of a police "force" to that of a police "service". Reform of this kind demands political guidance and support from the highest levels of government, as well as consistency, perseverance and mobilization of resources. This level of commitment is indispensable.

Investigations into the security forces and other armed formations

36. Evidence of conspiracy by at least some elements in the security establishment, recent armed attacks, the continued recruitment and training of individuals for service in non-governmental armed formations, the presence of arms caches and the cross-border flow of weapons all contribute to the level of violence and risk jeopardizing the transition to democracy. In his statement to the press on 16 November 1992, Justice Goldstone referred to the Secretary-General's recommendation that the Goldstone Commission undertake a series of investigations into the security forces and other armed formations. Justice Goldstone called on "all political parties and groups in South Africa, and particularly the Government, to authorize and empower the Commission, or any other independent body, to carry out urgently and fully the recommendations of the Secretary-General". He also called on the international community to assist in this regard.

37. Justice Goldstone assured the Special Envoys that the Commission has all the legal powers needed to carry out its mandate. He stressed that he was entirely satisfied with the response that he had received from the State President regarding the resources which would be put at the Commission's disposal to conduct the necessary investigations. He also expressed satisfaction with the Government officials designated to work with him, and

the principles agreed with the Government concerning access to information. The Government's commitments to Justice Goldstone were subsequently confirmed at the highest level.

38. The highest levels of the ANC have also pledged to cooperate with the Goldstone Commission and facilitate its work. Such cooperation is not forthcoming from PAC with regard to APLA, or the Chief Minister of KwaZulu, who has refused to cooperate in investigations of the KwaZulu police. Justice Goldstone indicated that in his investigation, he would welcome assistance from the international community and the United Nations in particular, in order to secure the cooperation of Governments which served as hosts to training camps and bases for armed formations operating in South Africa.

Status of Battalions 31, 32 and Koevoet

39. The status of Battalions 31 and 32 continue to be a source of concern. The South African Minister of Defence and Public Works confirmed to my Special Envoy, Ambassador Vraalsen, the Government's intention to disband Battalion 32 and transfer its members to existing units around the country by 30 November 1993. With regard to Battalion 31, the Minister stated that "it is regarded as essential" that "the whole San community ... with its unique characteristics should be accommodated in one place .... The military members within the community will be deployed in existing military units in the vicinity of Schmidtsdrift." He added that "It is, however possible that some members presently at Schmidtsdrift may in due course prefer to return to their countries of origin. Should this be the case liaison will be established with the international community."

40. To date Battalions 31, 32 and Koevoet have not been disbanded as indicated by the Government of South Africa. There is a strong feeling in South Africa that merely dispersing their personnel among other military units is unsatisfactory. In this connection, it is believed that their continued existence, in whatever formation or form, does not have a place in a new South African dispensation.

Question of hostels

41. Violence between hostel dwellers and the surrounding communities is the result of a complex mix of factors including overcrowding, unemployment, competition over scarce resources and ethnic differences. Key among these factors is the rivalry between supporters of IFP and ANC. Violence between hostel dwellers and surrounding communities is widely perceived as an extension of the "turf battles" between these two groups elsewhere in the country, particularly in Natal/KwaZulu.

42. The urgency of improving security at the hostels in line with the recommendations of the Goldstone Commission, which called for the fencing of hostels, has been noted (see S/24389). The securing of hostels was one of

three main issues discussed at the meeting between the State President, F. W. de Klerk and Mr. Nelson Mandela, President of ANC, on 26 September 1992, at which time it was agreed that further measures would be taken, including fencing and policing to prevent criminality by hostel dwellers and to protect hostel dwellers against external aggression. It was agreed that progress will be reported to the Goldstone Commission and the National Peace Secretariat. United Nations observers could witness the progress in cooperation with the Goldstone Commission and the National Peace Secretariat (S/24606).

43. The Government should take immediate steps to improve the security situation at those hostels known to be flashpoints for violence. Continuing efforts to address the problem of improving the security and living conditions at the hostels and in the surrounding communities, in consultation with their residents, should be facilitated by all parties.

Dangerous weapons

44. A similar situation obtains with regard to dangerous weapons. At the 26 September 1992 meeting between the Government and ANC, referred to above, the Government informed ANC that it would issue a proclamation within weeks to prohibit countrywide the carrying and display of dangerous weapons at all public occasions subject to exemptions based on guidelines being prepared by the Goldstone Commission. It should be noted that a proclamation to give effect to Justice Goldstone's recommendation to restrict the carrying of dangerous weapons in public has yet to be issued, although the measure has been drafted for some time.

45. The debate over restrictions on "cultural weapons" often diverts attention away from the critical issue of the supply of automatic weapons and other firearms to which all factions have ready access. The Government and all other parties should make a concerted effort to reduce the supply and control the use of firearms and other sophisticated weapons.

46. Effective steps to address the carrying and public display of dangerous weapons can contribute significantly to creating an atmosphere of political tolerance. It is imperative that political leaders call on their supporters to disavow violence and to cease equating political rivalry with warfare. It is equally important that the South African Government take the necessary legal security measures to act promptly and impartially to prevent and quell violence, whatever its source.

II. ACTIVITIES OF THE UNITED NATIONS OBSERVER MISSION IN SOUTH AFRICA

47. The terms of reference of the United Nations Observer Mission in South Africa (UNOMSA) are reflected in Security Council resolution 772 (1992) as well as in the last report of the Secretary-General on the question of South Africa to the Security Council (S/24389). Following consultations with the

Security Council, I announced on 9 September 1992 the decision to deploy a mission of up to 50 United Nations observers in South Africa in implementation of the relevant provision of the above resolution. Ms. Angela King, Director, Staff Administration and Training Division, Office of Human Resources Management, was appointed Chief of the United Nations Observer Mission in South Africa and took up her post on 23 September. An advance team of United Nations observers headed by the Deputy Chief preceded her by a week. By the end of October, UNOMSA observers were deployed in all 11 regions of South Africa. The full complement of 50 observers was attained at end-November 1992.

48. The headquarters of UNOMSA is in Johannesburg and it has a regional office in Durban, headed by the Deputy Chief of Mission. UNOMSA's current deployment is weighted towards the Witswatersrand/Vaal and Natal/KwaZulu regions, where 70 per cent of the political violence occurs.

49. UNOMSA personnel observe demonstrations, marches and other forms of mass action, noting the conduct of all parties, and endeavour to obtain information indicating the degree to which the parties' actions are consistent with the principles of the National Peace Accord and the Goldstone Commission guidelines for marches and political gatherings. Observers supplement their field observations by establishing and maintaining informal contacts at all levels with established governmental structures, political parties and organizations, as well as community-based "alternative structures" such as civic associations and other groups.

50. The functions of the structures established under the National Peace Accord with which UNOMSA was requested to cooperate are varied but also interrelated. The National Peace Committee is charged with the resolution of disputes concerning interpretation and alleged transgression of the code of conduct for political parties and organizations and with the promotion of social and economic reconstruction and development. The National Peace Secretariat has the responsibility to establish and coordinate the work of regional and local dispute resolution committees.

The Goldstone Commission

51. In my earlier report to the Council, I commended the work of the Goldstone Commission and stated that should Judge Goldstone need assistance, he could request it from the international community. In this regard, following consultation with the European Community, six legal experts were seconded to the Commission. The United Nations has at Judge Goldstone's request provided an expert with a background in crime-prevention, security and criminal law to assist the Commission and several members of the UNOMSA team with the requisite legal background are also specifically assigned to the Commission in addition to their other duties.

52. The observer teams in various parts of the country also attend the hearings of the Commission held in their respective locations.

Strengthening of the peace structures

53. In its role of strengthening the peace structures, UNOMSA initiated through the National Peace Secretariat courtesy calls and visits to homelands other than Ciskei, Bophuthatswana and KwaZulu, which were visited separately. The meetings were designed to enable the United Nations, European Community, Commonwealth and OAU observers to familiarize themselves with measures being taken within these territories to promote the peace process and support the National Peace Accord, and to explain the role of UNOMSA and other observer missions.

54. Fact-finding trips were made to QwaQwa, Lebowa and KaNgwane. The UNOMSA observer team based in Pretoria (Northern Transvaal region) made frequent trips to KwaNdebele. In each case, the observer groups were received by the Chief Minister, cabinet members, local political party representation and senior administration officials.

Cooperation with other international observers

55. Security Council resolution 772 (1992) invited the Organization of African Unity (OAU), the Commonwealth and the European Community to deploy their observers in coordination with UNOMSA.

56. The UNOMSA observers were joined in South Africa on 18 October 1992 by the first Commonwealth observers, currently 17-strong. The European Community observers began arriving on 29 October and now total 14 members, while 11 OAU observers arrived between 15 and 23 November.

57. A weekly coordination and briefing session is held at UNOMSA headquarters in Johannesburg for the leaders of the observer groups. In addition, regularly scheduled morning briefings are open to all team members. Similar arrangements are in place at the UNOMSA office in Durban.

58. Because many of the Commonwealth and European Community observers come from a police background, a small task force has been set up under UNOMSA coordination to examine different aspects of SAP ranging from its structures and training to its performance at the community level.

59. The international observer teams have established close working relationships at the field and headquarters levels. They exchange information regularly and frequently observe events and meetings as mixed teams.

60. Throughout the country, the teams frequently pool their resources to ensure attendance and coverage of key events which may be scheduled simultaneously at different and often widely dispersed venues.

Contacts with political parties

61. Since her arrival in South Africa, the Chief of Mission has held discussions with a wide range of government officials and leaders of political parties and organizations in the country. At these meetings, the Chief of Mission briefed her interlocutors on the role of UNOMSA, its deployment and activities.

III. CONSULTATIONS AND COMMUNICATIONS OF THE SECRETARY-GENERAL

62. Following the massacre on 7 September 1992 at Bisho, Ciskei, President de Klerk called for an urgent meeting between the Government and ANC at the leadership level to discuss the question of violence.

63. In response to the proposal by the Government, Mr. Mandela agreed to meet with President de Klerk, on the understanding that the Government would make prior commitments to address three key issues, namely, the display of dangerous weapons, the securing of hostels, and the release of political prisoners.

64. Bilateral discussions were immediately resumed between ANC and the Government to address these three issues, in order to prepare the ground for the meeting between President de Klerk and Mr. Mandela. I instructed my Special Envoy, Mr. Dayal, to immediately upon his arrival in South Africa establish contacts with both parties, in order to assist, as necessary, and to make his services available to expedite the process of negotiation.

65. Given the critical importance of such a meeting, I addressed identical messages to President de Klerk and Mr. Mandela, urging them to ensure that the prevailing obstacles were overcome. I added that such a meeting would, no less, be a source of immense relief to all of the peoples of South Africa whose destiny lies in the hands of their leaders.

66. On 24 September 1992, I made a statement indicating that the obstacles preventing a meeting between President de Klerk and Mr. Mandela had been overcome, and that a meeting between them was being arranged imminently. This meeting took place on 26 September 1992. A detailed self-explanatory Record of Understanding agreed to at the meeting has been issued as a Security Council document (S/24606). Agreement was reached at the meeting on the key issues relating to the securing of hostels, release of all remaining political prisoners and the prohibition of the carrying and display of dangerous weapons. Agreement was also reached on the need for a democratic constituent assembly/constitution-making body and constitutional continuity during the interim transitional period. These developments constitute an important step forward towards breaking the CODESA II deadlock. It will be recalled that these three issues were the subject of specific observations in my report of 7 August 1992 (S/24389).

67. Regrettably, following the agreement reached between President de Klerk and Mr. Mandela, Chief Buthelezi announced his withdrawal from any constitutional negotiations on South Africa's future, and challenged the agreement reached in the Record of Understanding, particularly concerning the ban on carrying and display of dangerous weapons, including "cultural weapons".

68. On 29 September 1992, I telephoned President de Klerk and Mr. Mandela to congratulate them on their agreement of 26 September 1992. In regard to the position taken by Chief Buthelezi, I decided to contact him to urge him to support the resumption of multi-party negotiations based on the agreement reached between the State President and Mr. Mandela.

69. On 29 September 1992, I addressed a letter to Chief Buthelezi, in which I appealed to him to make a renewed effort to meet urgently with Mr. Mandela, in order to move the peace process forward and to achieve a lasting settlement. I also wrote to Mr. Mandela informing him that I believed that the people of South Africa as a whole would welcome any initiative emanating from such a meeting, which should set the tone for national reconciliation and cooperation. I pursued this matter in subsequent communications with both Mr. Mandela and Chief Buthelezi.

70. I also addressed letters to the leaders in the homelands, urging that all concerned redouble their efforts to expedite the resumption of multilateral negotiations, and emphasizing the need for a renewed and determined effort to put an end to the violence and to remove any remaining obstacles that might impede the resumption of negotiations.

71. I also addressed Mr. Clarence Makwetu, President of PAC, on the same subject.

72. On a regular basis I have had the opportunity to discuss the situation in South Africa with the Permanent Representative of that country to the United Nations as well as with other interlocutors. Through him, I urged the Government of South Africa to resume, as rapidly as possible, multi-party negotiations aimed at ending the present stalemate. I also expressed my concern at the escalating violence.

73. During the course of the forty-seventh session of the General Assembly, I met with Mr. Thabo Mbeki, Director, International Affairs Department of ANC and Mr. Clarence Makwetu, President of PAC. Mr. Mbeki briefed me on the latest developments concerning bilateral discussions between the Government and ANC. Mr. Makwetu informed me of the outcome of discussions held between PAC and the Government in Gaborone in November 1992. I impressed upon both the importance of resuming multi-party negotiations and containing violence so prevalent in South Africa.

74. The situation in South Africa was also reviewed with the Chairman of OAU, President Diouf of Senegal, and the Secretary-General of OAU, Mr. Salim Ahmed Salim, during their visits to the United Nations.

75. All my interlocutors expressed support for the efforts being made by the United Nations to facilitate a peaceful transition to a democratic society in South Africa and assured me of their continued cooperation.

76. On 27 November 1992, I received a letter from the Permanent Representative of South Africa (S/24866) containing a statement and accompanying background paper issued by State President F. W. de Klerk setting out a proposed timetable for the transitional process in South Africa. The timetable envisages that a fully representative government of national unity will be in place no later than the first half of 1994.

77. On 4 December 1992, a joint media statement was issued by the Government of South Africa and ANC which indicated that they had held bilateral discussions from 2 to 4 December 1992. The discussions recognized the importance of resuming multilateral negotiations as soon as possible to ensure speedy movement to a democratic dispensation. To this end, bilateral discussions will continue.

78. On 17 December 1992, I met with Mr. Roelf Meyer, Minister for Constitutional Development of South Africa, who reported to me on the progress being made regarding bilateral discussions between the Government and the parties and prospects for the resumption of multilateral negotiations which would involve all parties. Various other issues relating to the situation in South Africa were also discussed.

IV. OBSERVATIONS

79. Based on my consultations and the reports of my two Special Envoys, I would make the following observations and recommendations concerning the situation in South Africa for consideration by the Security Council.

80. All parties must recognize that continued uncertainty over the country's future can only lead to further violence, instability and economic decline. Recent developments therefore give cause for guarded optimism about the prospect for progress towards a negotiated settlement in South Africa. I am pleased to note that there is substantial agreement to expedite arrangements for multi-party negotiations. These are positive trends which should be encouraged and supported by the international community. With respect to the CODESA process, the principle of inclusiveness must be recognized as essential for achieving the transition to democratic rule through free elections and new constitutional arrangements. It is imperative that all parties refrain from unilateral actions or public statements which alienate others or render the process more difficult.

81. While it is recognized that the Government has primary responsibility for the maintenance of law and order, all political leaders must take immediate action to curb political violence. To this end I would urge all parties to attend the planned meeting of signatories to the National Peace Accord in order to examine ways and means of putting an end to the violence and to

strengthen the structures. Lack of political freedom in the homelands continues to be a source of tension and violence. Those in a position to influence the authorities in the homelands should strongly urge the repeal of repressive legislation and restraint of their security forces. Scrupulous adherence by all parties to the Goldstone Commission guidelines for the conduct of public demonstrations would also foster and sustain the peace process.

82. At the 26 September 1992 meeting between State President de Klerk and Mr. Mandela, an agreement was reached in respect of the release of all political prisoners, the securing of hostels, as well as the banning of the display of dangerous weapons. Regarding political prisoners, a Joint Committee consisting of government and ANC representatives has made considerable progress. By 15 November 1992, the agreed date for the release of political prisoners, 536 cases had been disposed of by the Joint Committee. At the same time some of the cases submitted by ANC have yet to be resolved. The Government stated it would issue a proclamation to prohibit, countrywide, the carrying and display of dangerous weapons at all public occasions subject to exemptions based on guidelines being prepared by the Goldstone Commission. The granting of exemptions was to be entrusted to one or more retired judges. On this basis, the terms of the proclamation and mechanism for exemption shall be prepared with the assistance of the Goldstone Commission. I would urge the South African Government to take steps to expedite the full implementation of the agreements on these issues. All parties have expressed their deep concern over the illegal flow of weapons into the country. Consideration might be given to ways of cutting off the illegal supply of weapons from whatever source they may derive.

83. I welcome the decision of the Government of South Africa to extend the necessary assistance to the Goldstone Commission in order to facilitate its work and urge all parties in South Africa to cooperate fully with the Goldstone Commission's forthcoming investigation into the security forces and other armed formations. I also welcome the assurance given by the highest level of leadership of ANC to cooperate with the Goldstone Commission and facilitate its work. Justice Goldstone's standing in the international community and the United Nations active support for him and his Commission have reinforced the Commission's capacity to address difficult and sensitive issues. The United Nations and the international community will continue to assist the Commission, as requested by Mr. Justice Goldstone, in conducting its investigations. For my part, I will continue to extend all necessary support to the work of the Goldstone Commission.

84. As a means of building community confidence in and developing the human resources of the South African police, I would urge expansion of the present programmes for the exchange of information and expertise between South Africa and other countries on community-policing techniques, as well as on the recruitment, training and management of police personnel. Such programmes can only improve the morale and stature of the police, and enhance their credibility as an impartial service dedicated to public safety and security of all South Africans.

85. In order to help the South African police improve its investigative policies and procedures, and the skills of its personnel, police officers of various countries with the requisite skills and experience should be invited to South Africa to observe and, as appropriate, advise South African police personnel on the conduct of investigations. These international police officers would be deployed as technical advisers, and would be separate from the police officers already participating in the international observer missions presently in the country.

86. Women's organizations emphasize their concern over violence and intimidation directed at women from a variety of sources, including the police. I would strongly urge that special attention be given to this question, especially in view of the crucial role women can play in maintaining cohesion and stability in their communities. One aspect of democratization which should not be overlooked is the need to bring the country's women into the political process as full partners. Political violence, intimidation, poverty and dislocation of families and communities are among the factors currently preventing their full participation. Future democracy, reconciliation and development in South Africa cannot take place without the contribution of all its people.

87. The contribution of the international observer teams has been welcomed by all concerned. Some nevertheless have contended that UNOMSA needs to be strengthened and others are of the view that its mandate should be expanded. Effective means have been established for coordinating the work of UNOMSA with that of the other international observer teams from the Commonwealth, the European Community and OAU operating under Security Council resolution 772 (1992). By all accounts, the international observers have performed well in adapting their operations to meet the needs on the ground and have had a salutary effect on the political situation in general. Given the delicate situation now prevailing in South Africa, characterized by unacceptable and in some locales rising levels of violence, I intend to modestly reinforce UNOMSA with an increment of 10 additional observers.

88. While progress has been made in enhancing and reinforcing the structures established under the National Peace Accord, much more remains to be done particularly with regard to the National Peace Committee and the National Peace Secretariat. The Government of South Africa should ensure that adequate resources are made available to facilitate the operations of the National Peace Committee and the National Peace Secretariat at all levels.

89. There has been distinct progress in implementing the observations and recommendations made in my report of 7 August 1992 (S/24389). It remains essential that the Security Council stay actively seized of the situation, as it has undertaken to do. The goal of a democratic, non-racial and united South Africa must remain one of the highest priority to the Organization and I shall keep the Council informed of further developments, so that it can react, as needed, with understanding of the process under way.

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GENERAL ASSEMBLY
Forty-seventh session
Agenda items 30 and 35
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-seventh year

Letter dated 21 December 1992 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

I enclose a copy of the statement on the situation in Israel and the occupied territories made by the European Community and its member States in London and Brussels on 18 December 1992 (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as an official document of the General Assembly, under agenda items 30 and 35, and of the Security Council.

(Signed) D. H. A. HANNAY

ANNEX

Statement on the situation in Israel and the occupied territories, issued by the European Community and its member States on 18 December 1992

The European Community and its member States firmly condemn the Israeli decision to deport more than 400 Palestinians. They regret that the Israeli authorities failed to respond to the Presidency's appeal not to pursue the policy of deportations, which is a violation of the Fourth Geneva Convention, and, in this case, an infringement of the sovereignty of Lebanon. They urge the Israeli authorities to allow the deportees to return immediately. Recent events underline the fact that the peace process is the only way to resolve the problems of the region. The European Community and its member States call upon all parties to redouble their efforts to negotiate a just, lasting and comprehensive settlement.

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23 December 1992

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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OBSERVER MISSION IN EL SALVADOR (ONUSAL)

1. The purpose of the present report is to inform the Security Council that, on 15 December 1992, the armed conflict between the Government of El Salvador and the Frente Farabundo Martí para la Liberacion Nacional (FMLN) was brought formally to an end in accordance with the adjustment in the timetable for implementing the Peace Accords which the two sides had agreed on the basis of my proposal of 23 October 1992.

2. This event, which had been preceded the previous evening by the legalization of the FMLN as a political party, does not mark the end of implementation of the El Salvador Peace Accords. But it was a defining moment in the history of El Salvador, whose long suffering people can now look forward to a future in which political, economic and social arguments will be settled through the processes of democracy and not by war. The event was marked by a ceremony presided over by President Cristiani, to whom a special tribute is due for his wisdom and courage in promoting peace in his country. I had the honour of being the first speaker at the ceremony and was followed by Mr. Schafik Handal of the FMLN, Vice-President Quayle of the United States of America, Mr. Narcis Serra, Vice-President of the Government of Spain on behalf of the four "Friends of the Secretary-General", President Serrano of Guatemala on behalf of the Central American States, and President Cristiani himself. The text of my statement is at Annex I.

3. During the preceding weeks, the parties had, in general, complied with their commitments in accordance with the adjustments to the timetable in my proposal of 23 October 1992. Both COPAZ and the Legislative Assembly had made a determined effort to complete pending legislation. Informal reports on progress in recent weeks had been presented to the members of the Security Council. The following points are worth special mention:

(a) Demobilization and demilitarization

The demobilization of the fourth FMLN contingent, due on 20 November, was completed after considerable delay. However, the fifth and final contingent was demobilized on time. The relevant statistics are at Annex II.

(b) FMLN arms

The inventory was presented and the FMLN's arms concentrated in the designated zones on time by 30 November. After analysis by ONUSAL, the inventory was accepted as satisfactory. It included details both of sophisticated weapons and of armament located outside El Salvador. The destruction of the arms by FMLN began with only a slight delay. However, for technical reasons, destruction could not be completed by 15 December, by when only about 50 per cent of the inventory had been destroyed. The process continues under ONUSAL's supervision and should finish by the end of December. The destruction of weapons located outside El Salvador should be completed in early January 1993.

(c) Recall of weapons distributed to civilian groups and individuals

This recall was to have been effected by 8 December 1992. However, notwithstanding constant urgings by ONUSAL, the Government failed to take any effective steps to ensure the return of the weapons. As of 8 December 1992, less than 100 (out of an estimated total of several thousands) had been recovered. ONUSAL has been assured by the Government that its efforts will be intensified. It will continue to press the Government for effective action.

(d) Ad Hoc Commission and Truth Commission

The administrative decisions on the implementation of the recommendations of the Ad Hoc Commission were presented punctually by the Government. The actual implementation is to follow shortly. The Commission on the Truth has completed its investigations and will present its report and recommendations in February 1993.

4. It is important that both parties, and the international community, should persevere in their efforts to ensure punctual implementation of the remaining provisions of the Peace Accords. Much remains to be done. All provisions of the Accords are to be regarded as solemn commitments but certain of them merit special emphasis. One is the programme for effective land transfers outlined in my proposal of 13 October 1992, which was accepted by the parties and therefore constitutes an agreement between them, including guarantees for the non-eviction of current landholders until a legal solution is achieved. Another is the effective implementation of programmes for the reintegration into civilian life of ex-combatants from both sides, with special attention to the war-disabled. A third is improvement in the effective international supervision of the National Public Security Academy and its establishment in permanent premises. A fourth is the establishment of the National Civilian Police, and its progressive and timely deployment, with the corresponding phasing out of the present National Police. A fifth is the completion of the planned reduction of the Armed Forces. A sixth is the concertation in the Forum for Economic and Social Consultation of long-term plans for the economic and social development of El Salvador. The role of COPAZ in ensuring the effective implementation of these and other pending commitments is central and must be supported and strengthened by both parties.

5. It is to be noted in this context that FMLN, which negotiated and signed the Peace Accords as an armed movement and is now a fully legal political party, retains its status as one of the two signatories to these Accords until they have been fully implemented. I have no doubt that the Government of El Salvador will maintain, in this respect, the positive and constructive attitude it has previously demonstrated.

6. As the remaining provisions of the Accords are implemented, under the constant supervision of ONUSAL, both parties will have a continuing responsibility to foster political stability and the climate of détente and reconciliation referred to in the Accords. Special care will be required in the former zones of conflict where ill-judged action by either party could cause tensions to resurface. The Presidential, legislative and municipal elections which are to be held in March 1994 will be the logical culmination of the entire peace process. Only then will peace, which has been achieved at such high cost, be firmly consolidated in El Salvador. Until then the watchword must be restraint, tolerance and national reconciliation.

7. The transition from war to peace does not come spontaneously or easily. Twelve years of strife inevitably leave deep scars, bitter memories and rancour. Peace is won only by effort and resolve. There must therefore be a change in attitudes, a change in mentalities. Reconciliation must be the new challenge; social justice and the struggle against poverty, the new goals. As I declared in the ceremony on 15 December, as long as the people of El Salvador remain steadfast in the commitments which they undertook at Chapultepec, the international community will be behind them and support them in building peace in the wake of war. But the primary responsibility belongs to the Salvadorians themselves.

Annex I

Statement of Secretary-General at the ceremony marking the end of the armed conflict in El Salvador San Salvador, 15 December 1992

President Cristiani,
Presidents and Vice-Presidents from other nations,
Members of the Comandancia of the FMLN,
Excellencies,
Ladies and gentlemen,

The armed conflict in El Salvador has come to an end.

Thirty-two months ago, the Government of El Salvador and the Frente Farabundo Martí para la Liberacion Nacional began a negotiating process under the auspices of my predecessor, Javier Pérez de Cuéllar. The purpose of the process was "to end the armed conflict by political means as speedily as possible, promote the democratization of the country, guarantee unrestricted respect for human rights and reunify Salvadorian society".

Today, following almost a year without armed combat, El Salvador crosses the line from armed peace into a new era. It is a momentous occasion indeed. The first goal of the process has been achieved. Salvadorians have every reason to be proud. At a turbulent time in history, they are providing a shining example to the world.

Many steps have been taken toward achieving the second goal, that of promoting the democratization of the country. Many more are yet to come. This process is to build on the solid foundations laid down in the negotiation, in the reforms of the Constitution ratified earlier this year. But democracy is an elusive goal. It must permeate the minds of all. Salvadorians must become accustomed to tolerance. This means accepting that others may have different ideas. This means that others may have different attitudes. This means that others may have different policies. This means respecting the right of others to freely express those ideas; to hold those attitudes; to promote those policies. The broad spectrum of society represented in this ceremony testifies to the giant strides already taken in the direction of pluralism.

Monitoring of respect for human rights is an important element of the work of the United Nations in El Salvador. It sends a signal to the people, even in the farthest reaches of the country: the changes occurring are meant to provide them with an environment in which their rights are respected. ONUSAL has been monitoring respect for human rights for almost a year and a half. This will continue to be done throughout the country, on a long-term basis. Thus the third goal of the process is being gradually consolidated.

The last goal, the reunification of Salvadorian society, is still not within reach. The scars of the past are still present. It is essential that

those in a position of responsibility should play a leading role in the healing of wounds. As President Cristiani put it in his remarkable speech at Chapultepec Castle:

> "... what is beginning to occur in El Salvador is not the re-establishment of a pre-existing peace. It is the inauguration of an authentic peace based on social consensus; on the basic harmony between social, political and ideological sectors, and above all on the concept of the country as a whole without exclusion."

The two warring parties negotiated the peace. But many sectors of society played a role in the great national debate which took place during the negotiation. They must also play a part in bringing Salvadorians back together. COPAZ has a central role to play in this mission, as does the Forum for Economic and Social Consultation.

The reunification of society is a long-term goal. It will not come about by miracle. The parties to the peace agreement must give the example by complying scrupulously with their solemn undertakings. They must also play a determined, active role in assisting the process of détente and reconciliation. They are specifically committed to do so under the Peace Agreement. This is fundamentally important.

I am well aware of the difficulties which have been encountered in implementing the Peace Agreement. I know of the tensions that have arisen as a result of the challenges inherent in meeting a very tight timetable. The timetable was an ambitious mechanism, as intricate as clockwork. It could not be otherwise. Its purpose was to synchronize two distinct but interlocking processes: the reintegration of the members of the FMLN, within a framework of full legality, into the civil, institutional and political life of the country, on the one hand; and the establishment of the necessary guarantees and conditions to bring about that reintegration, on the other.

It is not entirely surprising that problems should have arisen in implementing this timetable. It is a reason for rejoicing that these problems have largely been overcome. For example, a serious crisis was faced in dealing with the problem of the land. This led to the suspension of the demobilization of the FMLN. The entire process was in danger. The provisions of the land issue had not been spelled out with sufficient clarity in the Chapultepec Agreement.

Fortunately, with assistance from various quarters and the cooperation of the parties, it proved possible to resolve the land question in October. This permitted the demobilization of the FMLN to resume.

Further difficulties and much public debate arose in reference to the recommendations of the Ad hoc Commission on the purification of the Armed Forces. These have fortunately been overcome. I wish to pay tribute to the members of that Commission. They have discharged an onerous and sensitive task in the service of their country. The beneficiary will be the Salvadorian

people, who will have at their service a professional institution, under civilian authority, adapted to the needs of tomorrow.

It is quite possible that the watershed in the process of reuniting Salvadorian society will come only when the report of the Commission on the Truth becomes available. The scriptures tell us that the truth shall set you free. Salvadorians will only put the past behind them once the truth about the past is brought to light. We await with expectation the results of the courageous labour which these three eminent and wise men have undertaken.

For the United Nations, involvement in El Salvador has been a pioneering experience. It is the first in a new generation of United Nations operations whose purpose is post-conflict peace-building. In addition to the verification of respect for human rights, the United Nations is variously involved in a complex and integrated set of tasks. These tasks are carried out under the aegis of ONUSAL headed by Mr. Iqbal Riza, my Special Representative. We assist the National Police and monitor its activities. We participate in the creation of a new National Civil Police. We monitor the transition to a new, leaner Armed Forces, better suited to its role as defined in the reformed Constitution. We play an active role in overseeing the implementation of the agreement on land. We stand ready to assist so that the land programme can be implemented. In short, we are trying to help in ensuring that the causes of the conflict do not recur.

The Security Council and I myself place the greatest emphasis on the consolidation of stable conditions following the definitive end of the armed conflict today. But the primary responsibility lies with the people of El Salvador. The Security Council cannot substitute for you, the Salvadorian people. Neither the Secretary-General, nor the "Friends of the Secretary-General", nor indeed any other country can replace the people of El Salvador. I can assure you, however, that as long as the people of El Salvador remain steadfast in the commitments which they undertook at Chapultepec, the international community is behind you. The international community will support you.

Annex II

FMLN Demobilization as at 17 December 1992

Military Regional Office	Military Verification Team	Disarmed Combatants
San Salvador	La Reina	415
	San Antonio los Ranchos	1 084
	El Ocotal	277
	El Paisnal	244
	Guazapa	1 760
	Sub-Total	3 780
San Vicente	Murillo	202
	Tecoluca	266
	Santa Clara	253
	Santa Marta	558
	El Zapote	436
	Sub-Total	1 715
San Miguel	Perquín	1 403
	Isleta	202
	San Francisco Javier	526
	Las Marias	553
	Nueva Granada	697
	Sub-Total	3 381
TOTAL		8 876*

Weapons	Percentage of Inventory
Collected	93.4%
Destroyed	46.8%

* Note: In addition, there are 3,486 war handicapped and injured members of the FMLN. These have also been demobilized.

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General Assembly Security Council

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GENERAL

A/47/842
S/25007
23 December 1992
ENGLISH
ORIGINAL: SPANISH

GENERAL ASSEMBLY
Forty-seventh session
Agenda item 36
THE SITUATION IN CENTRAL AMERICA:
PROCEDURES FOR THE ESTABLISHMENT
OF A FIRM AND LASTING PEACE AND
PROGRESS IN FASHIONING A REGION
OF PEACE, FREEDOM, DEMOCRACY AND
DEVELOPMENT

SECURITY COUNCIL
Forty-seventh year

Letter dated 17 December 1992 from the representatives of Colombia, Mexico, Spain, Venezuela and the United States of America to the United Nations addressed to the Secretary-General

We have the honour to transmit the text of a joint statement issued by the Governments of Colombia, Mexico, Spain, Venezuela and the United States of America on 15 December 1992 on the occasion of the ceremony of national reconciliation held in San Salvador to celebrate the end of the first phase of the implementation of the Peace Agreements in El Salvador, with the culmination of the cessation of the armed conflict (see annex).

We should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly, under agenda item 36, and of the Security Council.

(Signed) Luis Fernando JARAMILLO
Permanent Representative of Colombia
to the United Nations

(Signed) Juan A. YAÑEZ-BARNUEVO
Permanent Representative of
Spain to the United Nations

(Signed) Antonio VILLEGAS
Chargé d'affaires a.i. of Mexico
to the United Nations

(Signed) Diego ARRIA
Permanent Representative of
Venezuela to the United Nations

(Signed) Edward J. PERKINS
Permanent Representative of the
United States of America to the
United Nations

ANNEX

Joint statement issued on the occasion of the ceremony on 15 December 1992 in San Salvador

The Governments of Colombia, Mexico, Spain and Venezuela have served in the capacity of friends of the Salvadorian peace process since October 1990 at the request of the Secretary-General of the United Nations. The Government of the United States of America has also provided its full support for the negotiation and implementation of the Peace Agreements in El Salvador. The Presidents of Colombia, Mexico and Venezuela and the Prime Minister of Spain, and the Secretary of State of the United States of America participated on 16 January 1992 in the ceremony for the signing of the Peace Agreement between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN), held in Mexico City, to demonstrate their full support for the Agreements.

The Governments of Colombia, Mexico, Spain, Venezuela and the United States of America congratulate the Salvadorian parties and the Secretary-General of the United Nations on the great progress made in the implementation of the Peace Agreements. Throughout the past year, the five Governments have worked with the Secretary-General, his Special Representative and the United Nations Observer Mission in El Salvador (ONUSAL) to this end.

On this important occasion, the Governments of Colombia, Mexico, Spain, Venezuela and the United States of America reiterate their firm commitment to assist the Secretary-General and Salvadorian institutions and political and social forces in their efforts to ensure that the Salvadorian Peace Agreements are fully implemented and to promote the reconciliation and reconstruction of the country. The five Governments will continue their efforts to gain the support of the international community for the important process of national reconciliation and reconstruction in El Salvador, within the framework of the attainment of democracy, peace, stability and the development of all Central America.

San Salvador, 15 December 1992

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Security Council

Distr.
GENERAL

S/25008
23 December 1992

ORIGINAL: ENGLISH

LETTER DATED 22 DECEMBER 1992 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In my letter of 16 November I informed you of the need I felt to postpone the presentation of my report on the situation concerning Western Sahara until the second week of December 1992 in order to await the results of the consultative meeting of tribal chiefs of Western Sahara which was to be held in Geneva early this month. I regret to inform you that it was not possible to hold the consultative meeting due to discrepancies regarding the notion of tribal chiefs. These discrepancies are themselves linked to the persisting divergences on the criteria for identification and their interpretation.

It has been my hope that the referendum in Western Sahara could be organized on the basis of agreements among all concerned on the major aspects of the settlement plan. The long and patient efforts of my Special Representative over the past several months have been undertaken with a view to reaching such agreements, particularly on the criteria for the identification of voters and the related instructions laid down and clearly articulated by my predecessor in his report S/23299 of 19 December 1991. I must conclude with much regret, however, that these efforts have not achieved the desired results.

Notwithstanding the continuing absence of the agreements sought and in order not to lose more time, I now feel obliged to take concrete steps towards the holding of the referendum, in the expectation that both parties will fully cooperate with me in pursuance of their commitment to abide by the provisions of the settlement plan. In my forthcoming report which I will submit to the Security Council in the second half of January 1993, I intend therefore to set forth the various steps which will need to be taken in order to hold the referendum at the earliest possible date.

Boutros BOUTROS-GHALI

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Security Council

Distr.
GENERAL

S/25008*
24 December 1992

ORIGINAL: ENGLISH

LETTER DATED 22 DECEMBER 1992 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In my letter of 16 November I informed you of the need I felt to postpone the presentation of my report on the situation concerning Western Sahara until the second week of December 1992 in order to await the results of the consultative meeting of tribal chiefs of Western Sahara which was to be held in Geneva early this month. I regret to inform you that it was not possible to hold the consultative meeting due to discrepancies regarding the notion of tribal chiefs. These discrepancies are themselves linked to the persisting divergences on the criteria for identification and their interpretation.

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(Signed) Boutros BOUTROS-GHALI

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* Reissued for technical reasons.

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Security Council

Distr.
GENERAL

S/25009
23 December 1992

ORIGINAL: ENGLISH

NOTE VERBALE DATED 22 DECEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF OMAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of the Sultanate of Oman to the United Nations presents his compliments to the Secretary-General of the United Nations and with reference to the latter's note dated 3 June 1992 concerning resolution 757 (1992) adopted by the Security Council at its 3082nd meeting on 30 May 1992, has the honour to transmit herewith the response of the Government of the Sultanate of Oman to the aforementioned note.

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Annex

[Original: Arabic]

The Permanent Representative of the Sultanate of Oman to the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to his note No. SCPC/1/92(4) dated 3 June 1992 concerning the measures taken by the Sultanate of Oman towards the implementation of Security Council resolution 757 (1992) on the commercial and economic boycott of the Federal Republic of Yugoslavia (Serbia and Montenegro), wishes to inform him that the competent authorities in the Sultanate, in accordance with the Sultanate's compliance with the resolutions of the Security Council adopted under Chapter VII of the United Nations Charter, have issued directives to all concerned agencies to implement fully the resolution on the commercial, economic and financial embargo against the Republic of Serbia and Montenegro. The Ministry of Trade and Industry has taken the necessary measures to apply the embargo and has instructed the Chamber of Commerce and Industry of Oman to comply fully with the pertinent resolution. The Central Bank of Oman has issued a general notice to the same effect to all banks licensed to operate in the Sultanate, contained in circular No. 672, a copy of which is enclosed. The Sultanate of Oman affirms that it will be unremitting in the issuance of laws and regulations enforcing the instructions relating to the embargo, as required by the laws and regulations in force in the Sultanate, and will take all measures required in the future for the implementation of Security Council resolution 757 (1992). It wishes to state, at the same time, its compliance with and support for the resolutions of the Security Council and its close cooperation with that body.

Enclosure

CIRCULAR BM 672

To: All Licensed Banks Operating in the Sultanate of Oman

Subject: Compliance with United Nations Security Council resolution 757 (1992) in regard to imposition of trade and payment restrictions against the Federal Republic of Yugoslavia (Serbia and Montenegro)

1. Banks may be aware that due to the political turmoil in the Federal Republic of Yugoslavia, the United Nations Security Council, at its 3082nd meeting, held on 30 May 1992, adopted resolution 757 (1992) calling upon all States to implement certain measures directed towards imposing trade and payments restrictions against the Federal Republic of Yugoslavia (Serbia and Montenegro).

2. In view of the fact that the Sultanate of Oman is fully committed to implementing the provisions of the above-mentioned resolution 757 (1992), all banks are hereby advised that they should refrain from handling:

(a) Any documents pertaining to the import to Oman of any commodities or products originating in the Federal Republic of Yugoslavia (Serbia and Montenegro) and exported therefrom;

(b) Any transfer of funds to the Federal Republic of Yugoslavia (Serbia and Montenegro) for the purpose of promoting the export of any commodities or products originating in the Federal Republic of Yugoslavia (Serbia and Montenegro);

(c) Any documents pertaining to the sale or supply to any person or body in the Federal Republic of Yugoslavia (Serbia and Montenegro) of any commodities or products excluding foodstuffs and supplies intended strictly for medical purposes;

(d) Any transactions which involve the transfer of any funds or any other financial or economic resources to the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) except transactions related to payments exclusively for strictly medical or humanitarian purposes and foodstuffs.

3. Banks which have any transactions in the pipeline relating to the import from or the export to the Federal Republic of Yugoslavia (Serbia and Montenegro) or involving payments to that country are hereby required to report to the Central Bank of Oman the details of all such transactions, so as to reach the Senior Manager, Implementation and Follow-up Department on or

before Tuesday, 15 December 1992. Banks which have nothing to report should, nevertheless, send a NIL report.

4. Since the United Nations restrictions do not apply to foodstuffs, medical and other humanitarian supplies to the Federal Republic of Yugoslavia (Serbia and Montenegro), banks which are called upon to handle documents/payments relating to such transactions, should in case of doubt refer such transactions to the Central Bank of Oman for its clearance.

5. All banks shall comply accordingly.

(Signed) Hamood Sangour Hashim
The Executive President

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S/25010
23 December 1992

ORIGINAL: ENGLISH

LETTER DATED 21 DECEMBER 1992 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The letter from the President of the Republic of Croatia dated 9 December 1992 (S/24934) addressed to you raises very serious concerns about the intentions and willingness on the part of the Republic of Croatia to honour the commitments it has accepted under the Vance Plan.

In that regard, upon instructions of my Government, I would like to point out the following:

1. President Tudjman in his letter has misinterpreted the mandate of the United Nations Protection Force (UNPROFOR) in an attempt to change the basic provision of the Vance Plan. He put forward that UNPROFOR has been entrusted "... to ensure the gradual re-establishment of the legal system and authorities of the Republic of Croatia in the UNPAs [United Nations Protected Areas] ...".

In this connection, it should be recalled that the Vance Plan and the report of the Secretary-General of 4 February 1992 (S/23513) specifically defined that "... the United Nations Protected Areas, as at present, would continue not to be subject to the laws and institutions of the Republic of Croatia during the interim period pending a political settlement". The Secretary-General also stated that "the deployment of UNPROFOR would not prejudge the outcome of the political process; ... its purposes would be to stop the fighting and to create the conditions in which political negotiations could take place".

2. President Tudjman suggested that the United Nations should take steps in order to "enable elections to be held in the UNPAs for the Chamber of Županije (Counties) of the Parliament of the Republic of Croatia and for local self-government bodies in municipalities and districts".

However, the Vance Plan does not envisage the engagement of UNPROFOR in the political life in the UNPAs, which is a prerogative of the local

population and its authorities and the Secretary-General specified that "In respect of arrangements for local government and the maintenance of law and order in the United Nations Protected Areas, the deployment of the force would not change the status quo".

3. In his letter, President Tudjman implies that the UNPROFOR mandate expires in spring 1993.

Nevertheless, the Vance Plan (S/23280, annex III, para. 5) states: "Subject to the Council's agreement the operation would remain in Yugoslavia until a negotiated settlement of the conflict was achieved". The Secretary-General was even more specific in his report of 4 February 1992 (S/23513), saying that: "the United Nations force would not be withdrawn before an overall political solution was found to the Yugoslav crisis".

4. In regard to the responsibility for the non-implementation of the peace plan, it should be noted that the Republic of Croatia has violated the cease-fire on many occasions, infiltrated terrorist groups in protected areas and amassed troops on the borders with UNPAs. As a consequence, there is a heavy toll among the Serbian population in UNPAs, despite the fact that UNPROFOR is entrusted with the task of protecting the local population and ensuring its safety during and after the demilitarization of the UNPAs.

These developments and permanent armed provocations on the part of the Republic of Croatia are beyond any doubt a serious impediment to the complete demilitarization of the protected areas and to the implementation of the peace plan.

5. As far as the return of refugees and displaced persons is concerned, the peace plan stipulates that the United Nations policy is to facilitate the return to their homes of all persons displaced by the recent hostilities who so desire, and that UNPROFOR would provide all appropriate support to this effort in the UNPAs. The Secretary-General, in his latest report (S/24848), emphasized that "conditions are not yet appropriate for such return to take place". It is the Croatian authorities that de facto are hampering this process by open threats and constant activities directed against the protected areas.

6. The Serbs in those parts of protected areas controlled by the Croatian army have been subject to obvious and systematic ethnic cleansing which can be qualified as a cleansing of huge proportions by the size of the territory and the number of people it covered. Only in the region of Western Slavonia, 180 villages were compltely cleansed of Serbs and as a result more than 200,000 Serbs from Croatia sought refuge in the Federal Republic of Yugoslavia.

7. Mr. Tudjman's accusations against the Yugoslav Army are completely unfounded and in contravention of the United Nations findings and conclusions reached at the recently held Ministerial meeting of the Steering Committee of the International Conference on Former Yugoslavia.

All these distortions, misinterpretations and allegations contained in President Tudjman's letter came as no surprise since his thinly disguised goal is to provoke an international intervention against the Serbian population in the UNPAs. Precisely for those reasons, he proposes to the United Nations to take "... efficient steps resembling those taken in the case of aggression against Kuwait and with regard to the present-day situation in Somalia" and to "authorize UNPROFOR to implement its task within the scope of the Vance Plan, if necessary by use of force as well".

The contents of the letter are not only in contravention of the peace plan, but also in defiance of the relevant Security Council resolutions. It should be recalled that President Tudjman sent a letter on 6 February 1992, in which he accepted fully and unconditionally the Secretary-General's concept and plan which defined the conditions and areas where the United Nations force is to be deployed. Security Council resolution 740 (1992) of 7 February 1992 noted that President Tudjman's unconditional acceptance removed an obstacle to the deployment of the peace-keeping force.

Positions expressed in the letter of President Tudjman represent his clear departure, as well as that of the Republic of Croatia, from the commitments and obligations arising from the Vance Plan. The proposals contained in the letter are fraught with grave dangers for the situation on the ground and could jeopardize further implementation of the peace plan.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.